

BILL ANALYSIS

BY: BROOKS

C.S.H.B. 918

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H.B.918

BACKGROUND

Currently, athletic trainers are regulated by the Advisory Board of Athletic Trainers. The Advisory Board was created in 1971 within the Texas Department of Health. At this time, the Board consist of 6 members who are appointed by the Governor with the advice and consent of the Senate, with each member being licensed as an athletic trainer.

To qualify as an "Athletic Trainer" in Texas, an individual must: meet the athletic training curriculum requirements of a college or university approved by the Board; hold a degree or certificate in physical therapy with a board approved apprenticeship of 720 hours; or hold a degree in corrective therapy with at least a minor in physical education or health and meet any other board criterion.

Under current Texas law, when athletic trainers have met one of the above qualifications they are able to assist in the prevention and rehabilitation of injuries to athletes and with these qualifications the trainer is permitted to use a number of therapies and methods for the treatment of injuries.

PURPOSE

C.S.H.B. 918 permits podiatrists and chiropractors to authorize an athletic trainer to carry out certain practices; staggers the terms of the Advisory Board of Athletic Trainers; eliminates the position and duties of the secretary-treasurer; deletes the maximum fee for licenses and permits the board to set the fees; changes the qualifications for licensure and adds requirements and educational qualifications for the academic and apprenticeship programs and license; permits the board to impose probationary conditions on the licensee or applicant for license and subjects the proceedings for the imposition of probationary conditions to the Administrative Procedure and Texas Register Act.

RULEMAKING AUTHORITY

It is the Committee's opinion that this bill expands the rulemaking authority of the Advisory Board of Athletic Trainers in SECTION 4(a).

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Article 4512d, V.T.C.S., by adding a new Section 1A as follows:

Sec. 1A. Allows a podiatrist to provide advice and consent to authorize an athletic trainer to carry out the practice of prevention and/or rehabilitation of injuries to the foot and allows a chiropractor to provide advice and consent to authorize and athletic trainer to carry out the practice of prevention and/or rehabilitation of injuries relating to subluxation or the biomechanics of the musculoskeletal system.

SECTION 2. Amends Sections 2(a) and (b), Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.) as follows:

- (a) Updates reference to the Department of Health.
- (b) Staggers the terms of the Advisory Board of Athletic Trainers.

SECTION 3. Amends Section 2A, Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.), by updating the reference to the Department of Health.

SECTION 4. Amends Section 3(a), Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.), by eliminating the position of secretary treasurer from the Advisory Board of Athletic Trainers.

SECTION 5. Amends Section 5(a), (f), (g), (h), and (i), Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.) as follows:

(a) Replaces the term "make" with "adopt" in reference to board rules and permits the rules to include a code of ethics for athletic trainers.

(f) Deletes subsections (f) and (g) relating to duties of the secretary-treasurer and redesignates subsection (h) as subsection (f).

(g) Redesignates subsection (i) as subsection (g) and permits the board to probate a license.

SECTION 6. Amends Sections 7, 8, and 9, Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.) as follows:

Sec. 7. FEES. Deletes maximum fees and permits the Board to set fees in amounts sufficient to meet the expenses of administering this Act.

Sec. 8. PROHIBITED ACTS. (a) No changes.

(b) Permits a person who is fulfilling the academic or apprenticeship requirements of this Act to perform the activities of an athletic trainer as part of the academic or apprenticeship program and prohibits the performance of those activities outside the scope of the person's academic or apprenticeship program.

Sec. 9. QUALIFICATIONS. Requires the applicant for an athletic trainer license to: hold a bachelor or graduate degree in athletic training or an area approved by the board; complete at least 12 hours in certain courses; and complete an apprenticeship. Updates requirements for physical therapists to qualify by substituting licensure for degree or certificate. Deletes the previous qualifications which allowed for either having met a college athletic training curriculum or holding a degree in corrective therapy degree.

SECTION 7. Amends Sections 11A and 12, Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.) as follows:

Sec. 11A. EXPIRATION DATES OF LICENSES; PRORATION OF FEES. No substantive change.

Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, REVOCATION, OR PROBATION OF LICENSE. Allows the board to impose probationary conditions on the license of any licensee if the applicant or licensee does not possess the qualifications established under Section 9 of this Act.

SECTION 8. Amends Section 13(b), Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.), by providing that proceedings for the imposition of probationary conditions are governed by the Administrative Procedure and Texas Register Act, as amended.

SECTION 9. Repeals Section 16, Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.), which provided a transition period for issuing licenses when the law became effective in 1971.

SECTION 10. Provides that notwithstanding the amendment made to Section 9, Chapter 498, Acts of the 62nd Legislature, (Article 4512d, V.T.C.S.), a person who holds a degree or certificate in physical therapy and who before the effective date of this Act has received approval from the Advisory Board for an apprenticeship as an athletic trainer is eligible for a license if the person successfully completes the apprenticeship program, satisfactorily completes the examination, pays the required license fee and has not committed an act that constitutes grounds for denial of a license.

SECTION 11. Effective date of this Act is September 1, 1991.

SECTION 12. Emergency clause.

CHANGES IN COMMITTEE SUBSTITUTE

1. Added a new SECTION 1 which allows a chiropractor or a podiatrist to provide advice and consent for the purpose of authorizing an athletic trainer to carry out the practice of prevention and/or physical rehabilitation of injuries as it pertains to their respective professions.

2. In SECTION 5, restores existing law which provides for physical therapists to qualify as an athletic trainer after meeting certain requirements.

Senate Health and Human Services Committee
May 24, 1991
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